

# City Council Agenda

Council President  
Lee Brand

Councilmembers

Oliver L. Baines III  
Andreas Borgeas  
Clinton J. Olivier - Acting President

Sal Quintero  
Larry Westerlund  
Blong Xiong

City Manager  
Mark Scott

City Clerk  
Rebecca E. Klisch, CMC

City Attorney  
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## June 30, 2011

Councilmember Xiong may be present via conference call from the Kochi Shin Hankyu Hotel, or "Hotel New Hankyu Kochi" 4-2-50, Honmachi, Kochi

8:30 A.M. ROLL CALL

Invocation by Pastor Bob Willis of Northpark Community Church

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, or viewed live on Cable Channel 96 and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of June 20, 21, and 22, 2011

**Action Taken:** 6/20/2011 & 6/21/2011 approved, 6/22/2011 laid over to next meeting

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **RESOLUTION** - Approving the Final Map of Tract No. 5983, Phase 1 of Vesting Tentative Map No. 5983, accepting dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director and the Development and Resource Management Department Director to execute the necessary documents (*Property located in Council District 2*) – Development and Resource Management Department

**Action Taken:** Resolution No. 2011-138 adopted

- B. Adopt Findings of Categorical Exemption per staff determination, pursuant to Sections 15301(c)(f)/Class 1 (existing facilities), and 15332/Class 32 (in-fill development) of the CEQA Guidelines, for the installation of traffic signals, curb ramps and transition pavement at the northwest corner of the intersection of McKinley and Marks Avenues (*Property located in District 3*) – Public Works Department

**Action Taken:** Adopted

1. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by West McKinley Assembly of God of Fresno, in the amount of \$2,400 for the installation of traffic signals, curb ramps and transition pavement at the northwest corner of the intersection of McKinley and Marks Avenues

**Action Taken:** Approved

- C. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the California Department of Transportation Safe Routes to School Program and authorizing the execution of documents by the Public Works Director or designee (*Proposed projects located in Districts 2, 5 and 7*) – Public Works Department

**Action Taken:** Resolution No. 2011-139 adopted

- D. Recommend approval of the fire dispatch contract between the City of Fresno and the County of Fresno – Fire Department

**Action Taken:** Approved

- E. Approve the appointment of Nancy Ayala to the Fulton Corridor Community Advisory Committee – Councilmember Baines

**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- F. Adopt Finding of Conformity per staff determination, pursuant to Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (SCH # 2001071097) and Mitigated Negative Declaration prepared for Plan Amendment No. A-09-02 (SCH # 2009051016) (Air Quality MND) for the installation of curb, gutter, sidewalk and transition pavement on the north side of Nees between Backer and Chestnut Avenues *(Property located in District 6)* – Public Works Department
1. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Gary Lee Caldwell, APN 403-070-16, in the amount of \$41,000, for the installation of curb, gutter, side walk and transition pavement on the north side of Nees between Backer and Chestnut Avenues  
**Action Taken:** Removed from the agenda
- G. Approve an amended agreement with the San Joaquin River Conservancy in the amount of \$40,000 in State of California bond funds to increase the project budget to a total of \$200,000 for the Lewis S. Eaton Trail project *(Property located in District 2)* – Public Works Department  
**Action Taken:** Approved
1. Approve the first amendment to the agreement with URS Corporation for additional environmental consulting services in the amount of \$46,867 for conducting additional public outreach, updating the biological surveys, preparing constraints and opportunities analysis, project description and environmental documentation pursuant to CEQA Guidelines for the Lewis S. Eaton Trail – River West project  
**Action Taken:** Approved
- H. **RESOLUTION** - Of intention to annex Lot 1, a portion of Final Tract Map No. 5968, Annexation No. 1, into the City of Fresno Community Facilities District No. 9 and setting the public hearing for July 28, 2011 at 10:00 a.m. *(Property located in District 5) (Northwest corner of E. Kings Canyon Road and N. Fowler Avenue)*- Public Works Department  
**Action Taken:** Resolution No. 2011-140 adopted
- I. Introduce an ordinance requiring automatic locking solid waste containers to be locked within the Downtown Property and Business Improvement District – Development and Resource Management Dept.
1. **BILL – (For introduction)** – Amending Subsection (d) of Section 6-205 of the Fresno Municipal Code relating to solid waste, recycling and green waste disposal regulations  
**Action Taken:** Bill No. B-26 introduced and laid over as amended, adding a review in one year

**CONTESTED CONSENT CALENDAR**

9:00 A.M.

**GENERAL ADMINISTRATION**

- A. Approval of the following actions relating to acceptance of a \$40,000,000 Safe Drinking Water State Revolving Fund no interest loan through the California Department of Public Health for the City of Fresno Water Meter Retrofit Project – Department of Public Utilities
1. **RESOLUTION** - Authorizing the Director of Public Utilities or his designee(s) to sign funding agreement under the Safe Drinking Water State Revolving Fund and to approve claims for reimbursement and to execute budget expenditure summaries and to sign contractor's release form and to sign the certification of project completion; and dedicating the Department of Public Utilities revenues from user water rate, fees or charges as the dedicated source of revenue to repay said loan  
**Action Taken:** Resolution No. 2011-141 adopted
  2. Approve third amendment to agreement with Vali Cooper & Associates, Inc. for additional construction management services and to make applicable those requirements of the funding agreement under the Safe Drinking Water State Revolving Fund made applicable to City contractors for the Water Meter Retrofit Project  
**Action Taken:** Approved
  3. Approve Contract Change Order with Vulcan Construction & Maintenance, Inc. for installation of meter boxes, to make applicable those requirements of the funding agreement under the Safe Drinking Water State Revolving Fund made applicable to city contractors for the water meter retrofit project  
**Action Taken:** Approved
  4. Approve Contract Change Order with Vulcan Construction & Maintenance, Inc. for installation of meters, to make applicable those requirements of the funding agreement under the Safe Drinking Water State Revolving Fund made applicable to City contractors for the water meter retrofit project  
**Action Taken:** Approved
  5. Approve Contract Change Order with West Valley Construction, Inc. for installation of meter boxes, to make applicable those requirements of the funding agreement under the Safe Drinking Water State Revolving Fund made applicable to city contractors for the water meter retrofit project  
**Action Taken:** Approved
  6. Approve Contract Change Order with Badger Meter, Inc. for supplying of the automated meter reading system, to make applicable those requirements of the funding agreement under the Safe Drinking Water State Revolving Fund made applicable to City contractors for the water meter retrofit project  
**Action Taken:** Approved

9:30 A.M.

**CITY COUNCIL**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 10:00 A.M. Adopt Redetermination of Council District boundaries – Development and Resource Management Department (***Continue to 7/28/2011 at 10:15 a.m.***)  
**Action Taken:** Continued as noted
- 10:30 A.M. CONTINUED HEARING to consider the City of Fresno, Roeding Regional Park Facility Master Plan - Development and Resource Management Department (***Continue to 4:00 p.m.***)  
**Action Taken:** Continued as noted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:45 A.M.**      **HEARING** to consider Plan Amendment Application No. A-11-0002, Rezone Application No. R-11-002, and environmental findings, filed by Jeffrey Roberts of Granville Homes, on behalf of Trudy Moxley, pertaining to approximately 7.18 acres of property located on the east side of N. Blythe Avenue between W. Dakota and W. Ashlan Avenues (*Property located in District 1*) – Development and Resource Management Department

**Action Taken:**    **Held**

a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-002/R-11-002

**Action Taken:**    **Adopted**

b. **RESOLUTION**—Amending the 2025 Fresno General Plan and West Area Community Plan to change the planned land use designation for APN 511-250-02 (4.86 acres) from the medium-low density residential planned land use designation to the medium-high density residential planned land use designation

**Action Taken:**    **Resolution No. 2011-142 adopted**

c. **BILL**—Amending the Official Zone Map to rezone APN 511-250-02 (4.86 acres) from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district and APN 511-363-24 (2.32 acres) from the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district

**Action Taken:**    **Bill No. B-27/Ordinance No. 2011-22 adopted**

**11:00 A.M.**      **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of [May 5, 2011](#)

**Action Taken:**    **Approved**

**A. Agency Board and City Council consider the following actions:**

1. Adopt a Finding of a Categorical Exemption, pursuant to Section 15332 Class 32 of the CEQA Guidelines, for the development of a 8,000 square foot commercial retail store located at Olive and Weber Avenues, currently owned by the Redevelopment Agency of the City of Fresno, a public body corporate and politic (**Agency Action**)

**Action Taken:**    **Adopted**

2. **RESOLUTION** - Approving and authorizing a Disposition and Development Agreement between the Redevelopment Agency of the City of Fresno and AutoZone Development Corporation, a Nevada Corporation, authorizing execution of related documents and making certain findings. (**Council and Agency Action**)

**Action Taken:**    **Resolution Nos. 2011-143/1793 adopted**

3. Approve a Disposition and Development Agreement (DDA) between the Redevelopment Agency of the City of Fresno and AutoZone, Development Corporation, a Nevada Corporation for property located at Olive and Weber Avenues located within the Freeway 99-Golden State Corridor Redevelopment Project Area (**Agency Action**)

**Action Taken:**    **Approved**

**B. Reject all bids for the “M” Street project - relocation of six (6) structures to 450 “M” Street (**Agency action**)**

**Action Taken:**    **Rejected**

**C. RESOLUTION – Amending the boundaries of the Redevelopment survey area for the Airport Area Revitalization Redevelopment Project (**Council action**)**

**Action Taken:**    **Resolution No. 2011-144 adopted**

**ADJOURN AGENCY**

## **CLOSED SESSION**

### **A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)**

1. **Case Name:** Maylin Concepcion, et al. v. Cazares and City of Fresno, Fresno County Superior Court Case No. 09 CE CG 03286
2. **Case Name:** J B Development, LLC v. City of Fresno; Fresno County Superior Court Case No. 11CECG00557 DSB  
**Action Taken:** Held

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

### **3:00 P.M. PUBLIC PROTEST HEARING and approval of items related to the granting of non-exclusive franchises for roll-off collection services – Department of Public Utilities** **Action Taken:** Continued to 7/21/2011 at 3:00 p.m.

- a. Hold a public protest hearing in accordance with Fresno City Charter Section 1301 related to ordinance and adoption of ordinance
- b. \* **BILL NO. B-20 – (Intro. 6/23/2011) (For adoption)** - Granting the companies listed on attachment “A” to Exhibit “A” non-exclusive franchises for roll-off collection services within the City of Fresno
- c. \* **BILL NO. B-21 – (Intro. 6/23/2011) (For adoption)** - Repealing Article 2 of Chapter 6 of, and adding Article 2 to Chapter 6 to, the Fresno Municipal Code, relating to solid waste, recyclable and organic material collection and disposal
- d. Authorize the Director of Public Utilities to execute agreements of non-exclusive franchises for roll-off collection services within the City of Fresno

### **4:00 P.M. CONTINUED HEARING to consider the City of Fresno, Roeding Regional Park Facility Master Plan, filed and prepared jointly by the City of Fresno, Fresno Chaffee Zoo Corporation and Rotary Storyland & Playland and Final Environmental Report (EIR) No. SCH 2008031002), pertaining to Roeding Regional Park located at 850 W. Belmont Avenue, Fresno, California. The 148-acre regional park is bounded by W. Olive Avenue on the north; W. Belmont Avenue on the south; Golden State Boulevard and Union Pacific Rail line on the east; and State Route 99 on the west (Property located in District 3) - Development and Resource Management Department** **(Note: The Public Hearing portion of the City Council’s consideration of this matter was closed by the City Council on June 23, 2011. Thereafter, the City Council continued its consideration of this matter to this date and time. Unless the City Council reopens the public hearing, no further public testimony, either oral or written, will be considered.)** **Action Taken:** Held

1. **RESOLUTION** - Certifying the Final Environmental Impact Report, dated June 14, 2011, which consists of the following: Draft and re-circulated Draft (October 7, 2010 and April 21, 2011 respectively), comments received on the re-circulated Draft EIR, the responses to those comments, the Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and Mitigation Monitoring Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines 15097; and the Statement of Overriding Considerations as required by Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, because significant, unavoidable environmental impact may result from the implementation of the Roeding Regional and Fresno Chaffee Zoo Facility Master Plans.  
**Action Taken:** Resolution No. 2011-145 adopted
2. **RESOLUTION** - Adopting the City of Fresno, Roeding Regional Park Facility Master Plan, dated June 2009  
**Action Taken:** Resolution No. 2011-146 adopted

**PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING**

**SCHEDULED COMMUNICATION –**

1. Appearance by Selena Farnesi to discuss the safety surrounding California State University Fresno and short term solutions – **Appearance made**
2. Appearance by Lauren Smoot to discuss the safety of the residents living near District 4 and California State University Fresno – **Appearance made**
3. Appearance by William Daly to discuss the safety of the residents living near District 4 and California State University Fresno – **Appearance made**

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

July 7 -	NO MEETING -	COUNCIL RECESS
July 14 -	NO MEETING -	COUNCIL RECESS
July 21 -	9:50 A.M.	JPFA HEARING re: LAIF Transaction
July 21 -	10:00 A.M.	HEARING re: consideration of Plan Amendment No. A-09-10, Rezone Application No. R-09-20, filed by Herndon LLC
July 21 -	10:30 A.M.	WORKSHOP on Draft Downtown Development Code with Stefanos Polyzoides (Moule & Polyzoides) and Tony Perez (Raimi + Associates) regarding the Public Draft of the Downtown Development Code – DARM
July 21 -	3:00 P.M.	PUBLIC PROTEST HEARING and approval of items related to the granting of non-exclusive franchises for roll-off collection services
July 28 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter – <i>(Light reception immediately following – 2nd floor foyer)</i>
July 28 -	10:00 A.M.	HEARING re Community Facilities District No. 9, Annexation 1, Tract 6958
July 28 -	10:15 A.M.	Adopt Redetermination of Council District boundaries – Development and Resource Management Department
August 4 -	NO MEETING -	COUNCIL RECESS
August 11 -	NO MEETING -	COUNCIL RECESS
August 18 -	10:00 A.M.	HEARING ordering the vacation of the Shaw–Fairmont alley between N. Polk and N. Lola Avenues (Property located in District 1)